IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

WP(C).No. 16085 of 2007(M)

PETITIONER:

BABU RAJENDRA PRASAD, PULLUMPURATHU VEEDU, SAROVARAM, SANTHI NAGAR, CANTONMENT NORTH, KOLLAM - 691001.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

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1. THE VILLAGE OFFICER, SHAKTHIKULANGARA VILLAGE, KOLLAM.

2. THE ADDITIONAL TAHASILDAR, KOLLAM.

3. THE DISTRICT COLLECTOR, COLLECTORATE, KOLLAM.

4. STATE OF KERALA, REPRESENTED BY THE SECRETARY, DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT, TRIVANDRUM - 695001.

BY GOVT. PLEADER SMT.ANU SIVARAMAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WP(C) NO.16085 OF 2007)

PETITIONER'S EXHIBITS:

Ext.P1: Copy of the Patta issued by Tahsildar, Kollam to the mother of petitioner.

Ext.P2: Copy of Basic Tax Receipt dtd.26.9.2003 for the years 2003, 2003 and 2004.

Ext.P2(a):Copy of Basic Tax Receipt dtd.10.2.1995.

Ext.P3: Copy of Notice dtd.26.5.2007 issued in Form CC by 2nd respondent to petitioner.

-True Copy-

P.A.to Judge.

S. SIRI JAGAN, J.

WP(C) NO.16085 OF 2007- M

Dated this the 19th day of June, 2007

J U D G M E N T

The petitioner challenges Ext.P3 notice by which the petitioner was directed to vacate the premises mentioned in the notice within three days. The contention of the petitioner is that Ext.P3 was not preceded by a notice as contemplated under the Kerala Land Conservancy Act, which is the minimum the respondents are expected to do for complying with the principles of natural justice are hearing and passing a speaking order.

2. I have heard learned counsel for the petitioner as also the learned Government Pleader.

3. The learned Government Pleader could not satisfy me that Ext.P3 was preceded by a notice or a hearing or a considered order, considering the objections of the petitioner. That being so, Ext.P3 has been passed in violation of principles of natural justice. Accordingly, Ext.P3 is quashed. However, I make it clear that it would be open to the respondents to take further proceedings if

they so wish, after issuing notice to the petitioner, inviting objections, affording the petitioner an opportunity of being heard including an opportunity to adduce evidence and passing a speaking order.

The writ petition is disposed of as above.

Sd/-

S. SIRI JAGAN,
Judge

Mbs/

-True Copy-

S.SIRI JAGAN, J

W.P.(C) NO. OF 2001

J U D G M E N T

DATED:01-06-2007